

United States District Court  
Southern District of New York  
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United States of America,

-against-

19 Cr. 214 (LAK)

Anthony Givens,

Defendant.  
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ANTHONY GIVENS'S SENTENCING MEMORANDUM

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June 11, 2019

By ECF

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2240  
New York, New York 10007

**Re: United States v. Anthony Givens, 19 Cr. 214 (LAK)**

Dear Judge Kaplan:

This letter is submitted in advance of Anthony Givens's June 24 sentencing. He pled guilty to bank fraud pursuant to a plea agreement containing a Guidelines range of 12 to 18 months. The PSR found that Mr. Givens had one extra criminal history point and so places the range at 18 to 24 months. We do not dispute that calculation but, for the reasons contained in this submission, request that the Court sentence him within the plea agreement's 12-to-18-month range. Such a sentence would be sufficient, but not greater than necessary, to accomplish the goals of sentencing. § 3553(a).

Mr. Givens admittedly has had too many contacts with the criminal justice system in recent years; but this is a cycle he very much wants to break. His bank fraud offense here was non-violent and committed at a time of financial desperation, but Mr. Givens himself makes no excuses and is remorseful for his actions. He has already suffered serious punishment for his wrongs—in late May his first child was born and Mr. Givens could not be present to witness that momentous event. This has greatly shaken him and he believes he has finally learned his lesson. In addition, he still faces extra prison time for a violation of supervised release pending before Judge McMahon based largely on the same conduct at issue here. Under these circumstances, a sentence within the plea agreement's 12-to-18-month Guidelines range would be appropriate.

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Anthony Givens was raised in the notorious River Park Towers in the Bronx. The neighborhood was marked by gangs, drugs, and violence. His father—who verbally and physically abused Mr. Givens's mother—left the family when Mr. Givens was in high school. He hasn't had any

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contact with his father since 2003. His mother raised him and his siblings on her income as a daycare provider; his father neglected his court-ordered support obligations. His mother describes Mr. Givens as “the rock of our family.” Letter of Paula Givens.<sup>1</sup> She says that, of her six children, “[h]e is the one that makes sure everyone is okay and taken care of.” *Id.*

As a teenager Mr. Givens displayed no small amount of basketball talent and had dreams of playing college basketball. He even managed to leave his Bronx neighborhood to attend basketball powerhouse Bishop Loughlin Memorial High School in Brooklyn for several years. These were in many ways the best years of his life. But when he could no longer afford to attend Bishop Loughlin he ended up back in high school in his old Bronx neighborhood. It was then, his mother says, that “life changed for Anthony. He lost focus, drifted, and had a lot of anger about his father.” *Id.*

He soon fell in with the wrong crowd, lost his way, and eventually found himself facing charges in federal court. Indeed, his lone prior felony is a 2015 federal conviction for participating in a marijuana conspiracy based in the River Park Towers. His Guidelines range on that case was zero to six months, and he was sentenced to time served. But Mr. Givens has struggled since that conviction. He has had difficulty finding work and has picked up misdemeanor convictions in state court, which have also translated into federal supervised release violations. He has cycled in and out of prison. He very much wants this cycle to stop.

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As for his offense here, in conjunction with others Mr. Givens helped deposit fraudulent and stolen checks at various bank branches and then withdraw the money. Mr. Givens offers no excuses for his conduct and is remorseful, but certain facts mitigate his crime. Though the intended loss amount was \$75,000, Mr. Givens and his coconspirators caused an actual loss of only about \$25,000. And Mr. Givens—who personally deposited about eight checks—did not keep the entire \$25,000 for himself; he in fact estimates that he earned about \$9,000. Moreover, at the time of the offense Mr. Givens had just been released from prison and was struggling to find work. Significantly, his criminal activity ceased after he in fact found work as a sales associate at a cell phone store, MetroPCS, in the Bronx. It was a good, steady job, and Mr. Givens stopped committing crimes shortly after landing it.

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<sup>1</sup> All letters of support are attached as Ex. A, in order of citation.

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For now, Mr. Givens is trying to make the most of his most recent incarceration at the MDC which, of course, has been challenging given that institution's well-documented problems. He works as an orderly in his housing unit and is on the waiting list for a GED program. When he is released he hopes to prove that his criminal conduct is behind him for good. He has a supportive partner, Nicole Allen, whom he has been with for three years. In late May Ms. Allen gave birth to their son, meaning that Mr. Givens, incarcerated on this case, missed the birth of his first child. This impacted him greatly. As his mother writes, "Anthony wants to move forward with his life because he knows what not having a parent around can mean." Letter of Paula Givens. Mr. Givens is already a father-figure to Ms. Allen's eight-year-old son, B■■■■, from a prior relationship. She writes that Mr. Givens "has taken on the father role for B■■■■ because his father isn't around." Letter of Nicole Allen. Mr. Givens takes his obligations to his family seriously, and is anxious to return to being an active part of their lives.

Finally, Mr. Givens still faces the potential of additional prison time for having violated his supervised release by committing the crimes at issue here. He is due to appear before Chief Judge McMahon on those violations in September. The threat of additional prison time is yet another reason that the Court should impose our requested sentence.

Sincerely,

/s/ Jonathan Marvinny

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## EXHIBIT A

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Dear Honorable Judge Kaplan:

My name is Paula Givens. I am the mother of Anthony Givens. Anthony is my fourth child and has always taken the role of being the older, mature caregiver out of the six kids. He is the one that makes sure everyone is okay and taken care of. He is the rock of our family.

Anthony grew up in the River Park Towers in the Bronx. River Park Towers is a really tough neighborhood. A lot of the kids in the neighborhood are involved in violence and drugs. Growing up, Anthony loved to play basketball. He was very talented and was recruited by Bishop Loughlin in High School, a boarding school where he spent most of his time. He wanted to attend Bishop Loughlin to get away from the River Park neighborhood. He was feeling a lot of pressure from gangs and other people his age to act tough or face the consequences. He didn't want to be surrounded by that.

In Anthony's junior year at Bishop, Anthony's dad left the family. I could not afford to keep Anthony in Bishop. I went through a lot of financial problems. It took a toll on me. His father had been in Anthony's life since birth and then all of a sudden he left. His father was verbally abusive and physically abusive towards me. When the kids tried to intervene, he would start shouting at them too. I am still trying to find Anthony's father to pay child support for my daughter. After work, his father would drink 2-3 beers. On the weekend, he would drink hard liquor. Anthony felt that he couldn't stand up to his dad. Despite that, Anthony was very angry and upset when his father left.

Anthony came back home and attended a local public school. That's when life changed for Anthony. He lost focus, drifted, and had a lot of anger about his father. Instead of being in a position to graduate from high school and maybe go on to college with an athletic scholarship, he felt pressure to provide for himself as I struggled to do so as a single parent. It caused Anthony to drop out of school and get into trouble with the law.

Anthony's arrest made me extremely depressed. It is not his first arrest, but it came at a really bad time. His girlfriend Nicole is going to be giving birth to their daughter, his first child, in the next few days. Anthony won't be able to experience the birth of his first child. I am really disappointed in Anthony, but I also know that he was feeling pressure to provide for his daughter, while also taking care of Nicole and her son. It is not an excuse though. He made the wrong decision.

As his mother, I know that Anthony is capable and determined. I saw these qualities in him when he was on the basketball court as a kid. I know he can apply himself to whatever he sets his mind to. He really likes to sing and has made a few tracks. He is also in a GED program while incarcerated and we discuss all the plans he has as far as jobs.

Anthony wants to move forward with his life because he knows what not having a parent around can mean. He doesn't want that for his daughter or family. Anthony wants to raise his child in a better neighborhood and this is why he and his girlfriend decided to move to New Jersey. As a grandmother, I will help his girlfriend as much as I can; however, it will not be the same as having Anthony in her life. He wants to be able to give her a good life and get himself together. I

know the impact of him not having a father around will make him want more for himself and his child.

I hope that you consider letting Anthony come home soon so that he can be involved in his daughter's life. I would like to thank the courts for taking the time to read my letter.

Sincerely,

Paula Givens

Dear Honorable Judge Kaplan:

My name is Nicole Allen. I am Anthony Given's girlfriend and soon to be the mother of his first child. I am in my last semester in college as I will be graduating this upcoming June with my Bachelor's degree in Business Administration. I have worked for Uber for the past year and have an eight year old son from a previous relationship. I have been dating Anthony for the past three years. We are both from the same neighborhood in the Bronx and decided it would be best to move to New Jersey to raise our kids in a better environment.

Anthony is very loving and giving. Anthony was there for me emotionally and financially. Going to school while taking care of my son and working full-time was not easy, but Anthony took away all of my other burdens and responsibilities so I could focus on my studies. He has taken on the father role for B [REDACTED] because his father isn't around. The only father figure that B [REDACTED] has is Anthony. Anthony and B [REDACTED] are really close. Anthony used to pick up B [REDACTED] from school. He took him to play basketball in the park. He has taken on all of the responsibility of being B [REDACTED]'s parent. Anthony was actually spending more time with my son than I was able.

Anthony loves kids and has also teamed up with his brother, who is a basketball player overseas, to hold a neighborhood charity event that was showcased on the news. Anthony comes from a single parent household and has five siblings whom he is very close to. He plays a huge impact in all of our lives by being the glue that sticks everyone together.

I think that Anthony was feeling a lot of financial pressure and that's what led him to this crime. Expecting his first child, he wanted to make sure he had the resources to provide for his family—not just me, my son and our daughter, but also his mother and siblings. He sadly made the wrong decision.

Anthony's arrest has taken a very huge toll on my life and his family. I am eight months pregnant with our first child and a single parent to my son. It's very depressing to not have emotional, physical, or financial help with him being away. It is heartbreaking that he won't be there to see his first and only child be born. Without Anthony or any other family support, I was forced to move back to the Bronx to be closer to my grandmother and other family, who may be able to help me care for my children after I am off maternity leave. I did not want to move back to the Bronx because it's not where I want to raise my children.

Since Anthony's arrest, we have discussed the future and what he wants to do with his life. He has signed up for his GED while in federal custody and also will be taking a trade course after completing his GED to obtain skills in a particular field of his choice. Hopefully, by the time Anthony is released, he will already have had a head start on life. Anthony is taking this seriously. He wants the best for his child, and that means finding work and no more trouble with the law. He is eager to take any chances at correcting his life especially since he does not want to let his soon-to-be daughter be raised without a father. He will have all the support from me and his family to continue on the right track.

I thank the court for reading my letter as I will continue to pour positivity into Anthony's life.

Sincerely,

Nicole Allen